

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 GLEN THOMAS STEWART,

13 Defendant.
14

CASE NO. CR11-0120-JCC

MINUTE ORDER

15 The following Minute Order is made by direction of the Court, the Honorable John C.
16 Coughenour, United States District Judge:

17 This matter comes before the Court on Defendant Glen Stewart's *pro se* motion for a writ
18 of *audita querela* (Dkt. No. 1196). Stewart again raises his argument that his constitutional right
19 to effective assistance of counsel was violated. (*See id.* at 6, 7.) However, "a federal prisoner
20 may not challenge a conviction or sentence by way of a petition for a writ of *audita querela*
21 when that challenge is cognizable under § 2255." *United States v. Valdez-Pacheco*, 237 F.3d
22 1077, 1080 (9th Cir. 2001). As this Court has informed Mr. Stewart numerous times, the claims
23 he raises are the type that can—and must—be pursued through a 28 U.S.C. § 2255 habeas
24 petition. (*See* Dkt. No. 1190 at 2; Dkt. No. 1195 at 2.)

25 The motion (Dkt. No. 1196) is DENIED. The Clerk is DIRECTED to send a copy of this
26 to Mr. Stewart.

1 DATED this 3rd day of August 2017.

2 William M. McCool
3 Clerk of Court

4 s/Paula McNabb
5 Deputy Clerk